

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 05-10489-MEL

GLENN S. BATES,

Plaintiff

v.

TOWN OF HARWICH AND HARWICH  
POLICE DEPARTMENT, CHRISTOPHER  
KENDER, AND BARRY MITCHELL,

Defendants

DEFENDANTS CHRISTOPHER KENDER  
AND BARRY MITCHELL'S  
MOTION FOR SUMMARY JUDGMENT

Now come defendants Christopher Kender and Barry Mitchell, and hereby move,  
pursuant to Fed.R.Civ.P. 56(b), for summary judgment on all claims set forth against them.

As grounds therefor, said defendants state that there exists no genuine issue as to any  
material fact with respect to plaintiff's claims against them, and that they are entitled to judgment  
in their favor as a matter of law. As further grounds therefor, said defendants rely on the  
attached Local Rule 56.1 Statement of Material facts of Record as to which There is No Genuine  
Issue to be Tried, with exhibits thereto, and the attached supporting memorandum of law.

WHEREFORE, defendants Christopher Kender and Barry Mitchell respectfully request that this Court enter judgment in their favor on all claims set forth against them.

DEFENDANTS CHRISTOPHER KENDER  
AND BARRY MITCHELL,

By their attorneys,

/s/Joseph L. Tehan, Jr.  
Joseph L. Tehan, Jr. (BBO# 494020)  
Jackie Cowin (BBO# 655880)  
Kopelman and Paige, P.C.  
101 Arch Street, 12<sup>th</sup> floor  
Boston, MA 02110  
(617) 556-0007

CERTIFICATE OF SERVICE

I, Jackie Cowin, certify that the above document will be served upon any party or counsel of record who is not a registered participant of the Court's ECF system, upon notification by the Court of those individuals who will not be served electronically. /s/Jackie Cowin

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